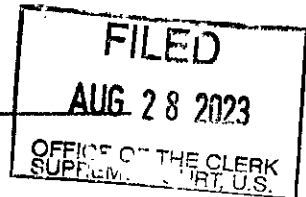


ORIGINAL

23-215

No.



In The
Supreme Court of the United States

John F. Marchisotto,

Petitioner

v.

The Ocean County Prosecutor's Office

Respondents.

In The Matter Of J.M.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

PETITION FOR WRIT OF CERTIORARI

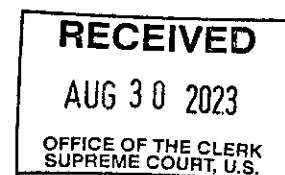
John F. Marchisotto ("Pro se Petitioner")

15 Topaz Dr.

Jackson, NJ 08527

(732) 526-7732

mr300cclass@yahoo.com August 28, 2023



QUESTIONS PRESENTED

1. **Constitutionality of "Red Flag" Laws:** Do "Red Flag" laws, as implemented by states, infringe upon the due process rights guaranteed by the U.S. Constitution, warranting a review by this Court for potential unconstitutionality?
2. **Misuse of "Red Flag" Laws:** Given instances where "Red Flag" laws may be employed for retaliatory purposes or other unintended reasons, does such misuse infringe upon constitutional rights?
3. **Procedural Due Process Violations:** In failing to adequately consider the Petitioner's evidence and neglecting established legal precedent regarding in personam jurisdiction, did the Superior Court of New Jersey Appellate Division

judges violate the Petitioner's procedural due process rights?

4. **Fourth Amendment Concerns:** Did the Appellate Division's oversight of potential Fourth Amendment violations, specifically regarding unreasonable searches, seizures, and governmental intrusion, constitute an error in their review?
5. **Second Amendment and Retaliation:** By not addressing the potential infringement of the Petitioner's Second Amendment rights and the possible retaliatory nature of the firearm seizures linked to his federal lawsuit, did the Appellate Division judges err in their judgment?

LIST OF PARTIES, AND RELATED CASES

Petitioner, John F. Marchisotto is a citizen of the United States of American, residing at 15 Topaz Dr., Jackson, New Jersey 08527.

Respondents, 1. Ocean County Prosecutor's Office, 2. Bradley D. Billhimer, Ocean County Prosecutor, 3. Cheryl L. Rammel, Assistant Prosecutor, Attorney ID# 000602001, 4. Samuel Marzarella, Chief Appellate Attorney of Counsel, Attorney ID# 038761985. All respondents are located in the United States at 119 Hooper Avenue / P.O. Box 2191, Toms River, NJ 08754.

There are no other participating parties involved in any of these proceedings.

Related Cases: Marchisotto v. Malik et al;
Case No.: 3:20-cv-20426-RK-TJB.

While the federal lawsuit, *Marchisotto v. Malik et al*, is related to the present case, it's imperative to underscore their distinct nature. Each case possesses its unique set of facts, legal issues, and procedural history, necessitating an independent evaluation on its own merits.

In the federal lawsuit, the petitioner actively seeks redress for alleged violations of constitutional rights, including false arrest and other grievances. These purported violations were neither addressed nor adjudicated in the state court case. Thus, they represent a separate set of legal issues beyond the scope of the present writ case before this court.

Recent judicial misconduct complaints have been filed against the district judge and chief judge in the federal lawsuit. Motions for their disqualification and a change of venue have also been submitted. These actions underscore the

gravity of the concerns raised and the need for an impartial review.

It's alarming to note that the lower court judges have not only allegedly disregarded evidence but have also been accused of obstructing justice. Such behavior, if proven true, undermines the very foundation of our judicial system. The petitioner contends that the decisions rendered by the lower court judges are so deviant from standard legal norms that they raise concerns about the judges' fitness to serve.

Furthermore, the petitioner wishes to highlight an alleged misuse of judiciary powers, where a false emergency was reportedly created to violate HIPAA laws and access protected medical records from 2004. Such actions, if substantiated, represent a grave breach of trust and misuse of authority.

Lastly, the petitioner wishes to bring to the court's attention a concerning trend: the apparent reluctance to grant certiorari to pro se litigants. This perceived bias may inadvertently embolden lower courts to treat self-represented litigants unfairly. It's crucial for the Supreme Court of the United States to recognize this potential disparity and consider the broader implications for justice and fairness in our legal system.



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 - In The Matter Of J.M.; Appellate Division Docket No.: A-1026-20
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- John F Marchisotto v. Debra E. Canova , et al; Docket No.: 22-861

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- **NEW JERSEY STATE TORT LIABILITY:**

- Title 59, Re: 12/12/2019, State Risk file No.: 19-7704
- Title 59, Re: 01/05/2020 State Risk file No.: 20-762
- Title 59, Re: 02/07/2020 State Risk file No.: 20-762

- **2C:39-10D CRIMINAL CHARGE ADMIN DISMISSED:**

- June 24, 2020, the Ocean County Prosecutors Office ADMIN DISMISSED the 2C:39-10D Criminal Charge.



OPINIONS BELOW

1. **June 29, 2020:** A Temporary Extreme Risk Protection Order (TERPO) and Search Warrant Order Petition No.: XTR 2020 000002 were issued by the Superior Court of New Jersey, Ocean County. This order bore the backdated electronic signature of Judge Guy P. Ryan and was never served to the Petitioner.
2. **August 17, 2020:** Judge Wendel E. Daniels of the Superior Court of New Jersey, Ocean County, issued a Final Extreme Risk Protection Order (FERPO) following a hearing.
3. **November 18, 2020:** Judge Wendel E. Daniels issued an order denying the Petitioner's motion for reconsideration.

4. **November 7, 2022:** The Superior Court of New Jersey, Appellate Division, denied the petitioner's motion to supplement and expand the court's record (Motion Number M-001288-22).
5. **January 26, 2023:** The Superior Court of New Jersey, Appellate Division, issued an opinion affirming the FERPO and denied the Petitioner's motion for reconsideration and stay.
6. **June 29, 2023:** The Clerk of the Supreme Court of New Jersey filed an order (Docket No.: 087933) denying the petition for certification.

JURISDICTION

1. **Timeline and Decision:** On June 29, 2023, the Supreme Court of New Jersey filed an order, which was decided two days prior,

on June 27, 2023. The order's official date is determined by its filing and entry into the court record, not by the date of the decision. This distinction is crucial as it establishes the official date of the decision. It is noteworthy that the Petitioner is seeking review within the 90-day window permitted from the date of the denial by the Supreme Court of New Jersey.

2. **Basis for Jurisdiction:** The Petitioner's appeal to this Court arises from the denial of the petition for certification by the Supreme Court of New Jersey.
3. **Legal Provision:** The Petitioner is invoking the jurisdiction of this Court under the provision of 28 U.S.C. § 1257. This statute empowers the Supreme Court to review 'final judgments or decrees' from a state's highest court.

NATURE OF SUPREME COURT REVIEW

Petitioner John F. Marchisotto respectfully petitions for a writ of certiorari to review the decision of the Superior Court of New Jersey Appellate Division. This petition arises following the denial of certification by the Supreme Court of New Jersey. The Petitioner seeks the Supreme Court of the United States' review on federal questions with significant implications for constitutional rights and principles.

The Supreme Court's review is warranted due to the following reasons:

- 1. Proper Presentation of Federal Questions:** The Petitioner has properly presented federal questions to the highest state court, particularly concerning the constitutionality and application of "Red Flag" laws, the protection of Fourth, Fifth, Sixth, Seventh, and Fourteenth Amendment

rights, and the adherence to the principles of due process and fair trial.

2. **Final Order Issued by the Highest State Court:** The Supreme Court of New Jersey, the highest state court, issued a final order denying the petition for certification. This denial makes the decision of the Superior Court of New Jersey Appellate Division the final state court judgment on the matter, presenting a ripe opportunity for the Supreme Court's review.
3. **Creation of Harmful Error by the Appellate Division:** The Superior Court of New Jersey Appellate Division appears to have created harmful error by ignoring the evidence supplied by the Petitioner and denying the supplementation of the record with necessary disciplinary actions taken against Detective Mudduser Malik.

4. **Allegations of Perjury and Misconduct:** The Petitioner alleges that Detective Mudduser Malik perjured himself in a state court and conducted an unlawful search and seizure without a valid warrant or court orders, which were later backdated to protect state officials from legal repercussions.
5. **Allegations of Obstruction of Justice:** The Petitioner alleges that the judges of the Superior Court of New Jersey Appellate Division committed the crime of obstruction of justice.
6. **Supreme Court's Power to Modify Judgments:** According to Title 28 of the Judiciary and Judicial Procedure, Chapter 133, Section 2106, the Supreme Court has the power to affirm, modify, vacate, set aside, or reverse any judgment, decree, or

order of a court lawfully brought before it for review.

7. **Uniformity of Supreme Court Review:** Section 2104 of the same chapter states that a review by the Supreme Court of a judgment or decree of a State court shall be conducted in the same manner and under the same regulations, and shall have the same effect, as if the judgment or decree reviewed had been rendered in a court of the United States.
8. **Review of State Statutes and Constitutionality:** Section 1257 of Chapter 81 states that final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari.

9. Discretionary Nature of Supreme Court

Review: The Supreme Court has the power to review and potentially overturn the decisions of lower courts, including state courts, if there are valid grounds for doing so, such as a violation of federal law or the U.S. Constitution.

10. Significant Constitutional and Procedural Issues:

The Supreme Court should review this case as the questions presented involve significant constitutional and procedural issues.

11. Substantial Questions of Law and Public

Importance: A writ of certiorari should be granted in this case because the decision of the Superior Court of New Jersey Appellate Division involves substantial questions of law.

12. Need for Clarification and Uniformity:

The writ should be granted in this case due to the importance of the questions presented and the need for clarification and uniformity in the interpretation and application of the laws and rules involved.

13. Preservation of Judicial Integrity and

Adherence to Legal Precedent: It is necessary to ensure that all relevant evidence is considered, to address due process concerns, to preserve the integrity of the judicial process, to provide a fair and just resolution for the Petitioner, and to maintain adherence to legal precedent.

14. Concerns of Biased Inaccuracies and Breaches of Constitutional Principles:

The decision, opinion, and judgment issued by the Appellate Division have led to substantial concerns about potential biased inaccuracies.

15. **Contravention of Set Precedents:** The verdict, interpretation, and decree issued by the Appellate Division are in stark contrast to the established precedents previously laid down by the Supreme Court in earlier cases.
16. **Flawed Interpretation of the Law:** The Superior Court Of New Jersey Appellate Division's decision rests upon a fundamentally flawed, and erroneous interpretation of the law.
17. **Obstruction of Justice and Due Process Rights Concerns:** On November 4, 2022, the petitioner filed a motion with the Superior Court of New Jersey Appellate Division to expand and supplement the record (Motion Number M-001288-22). However, on November 7, 2022, Judges Mary Gibbons Whipple, Hany A. Mawla, and Joseph L. Marczyk denied the motion.

18. **Impact on the Integrity of the Judicial Process:** Denying the motion to supplement the record with the newly discovered disciplinary evidence may be perceived as obstructing justice.
19. **Potential for Decision Based on Incomplete or Inaccurate Information:** Given the finding of culpable inefficiency against Detective Malik, it is possible that the lower court's decision was based on incomplete or inaccurate information.
20. **Need to Ensure Consistency with Legal Precedent:** The Petitioner has raised concerns that the appellate division judges may have purposely disregarded recognized standards of law and legal precedent.
21. **Potential Impact on the Parties Involved:** Given the serious nature of the

allegations against Detective Malik, it is essential to ensure that the parties involved receive a fair and just resolution.

22. Substantial Constitutional Questions:

The Petitioner contends that this case warrants a review by the Supreme Court of the United States, which involves a substantial question arising under the Constitution of the United States.

**CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED**

A. Constitutional Provisions

1. **Second Amendment:** "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The Second Amendment of the United States Constitution, which guarantees the right of the people to keep and bear Arms, is a central issue in the debate over "Red Flag" laws, or Extreme Risk Protection Orders (ERPOs).

These laws, which allow for the temporary removal of firearms from individuals deemed to be a risk to themselves or others, have been challenged on the grounds that they infringe upon the rights protected by the Second Amendment. Critics argue that "Red Flag" laws can be misused and may result in the unjust confiscation of firearms, thereby infringing on an individual's Second Amendment rights.

On the other hand, proponents of "Red Flag" laws argue that they are a necessary tool for preventing gun violence and suicide, and that they contain sufficient due process protections to ensure that the rights of gun

owners are not infringed upon without cause. They argue that these laws are a constitutionally permissible form of regulation that does not infringe on the rights protected by the Second Amendment.

The constitutionality of "Red Flag" laws under the Second Amendment is a complex and evolving area of law. The U.S. Supreme Court has not yet ruled on the issue, and lower courts have reached differing conclusions. As such, the relationship between "Red Flag" laws and the Second Amendment is a significant legal issue that could have broad implications for the interpretation of the Constitution.

2. **Fourth Amendment:** "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause,

supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Fourth Amendment protects against unreasonable seizures of personal property. In the context of Red Flag laws, this would mean that there must be probable cause to believe that the person poses a significant risk to themselves or others before their firearms can be seized.

3. **Fifth Amendment:** "No person shall be... deprived of life, liberty, or property, without due process of law..."

The Fifth Amendment ensures that individuals cannot be deprived of their property without due process of law. In the context of Red Flag laws, this would mean that the individual must be given notice and an opportunity to be

heard before their firearms can be seized. Critics of Red Flag laws argue that they reverse due process by forcing the respondent to prove a negative. They suggest that to ensure due process protections, the petitioner should have to prove that the criteria for an Extreme Risk Protection Order were met prior to the seizure of personal property and deprivation of individual rights and liberties.

4. **Fourteenth Amendment:** "No State shall... deprive any person of life, liberty, or property, without due process of law..." In terms of statutory provisions, the specific procedures and standards for Red Flag laws vary by state. However, they generally require a petitioner (often a law enforcement officer or family member) to provide evidence that the individual poses a significant risk to themselves or others. If the court finds that the evidence meets the required standard, it

can issue an order allowing law enforcement to temporarily seize the individual's firearms.

Relevance of the Fourteenth Amendment: The Fourteenth Amendment reinforces the due process clause, extending its safeguards to encompass actions undertaken by state governments. This amendment holds particular significance in the context of Red Flag laws, which are enacted at the state level. The same considerations regarding due process that are applicable under the Fifth Amendment are equally pertinent under the Fourteenth Amendment.

B. Statutory Provisions

1. **Title 18, Chapter 13, §242 - Deprivation of rights under color of law:** This federal statute criminalizes any action by a person, under the guise of any law, that intentionally deprives another person of a

right or privilege safeguarded by the Constitution or laws of the United States. In the context of the petitioner's case, this provision may be pertinent. The petitioner asserts that the Superior Court of New Jersey Appellate Division, by affirming the trial court's implementation and enforcement of the Red Flag law, particularly through the sanctioning of backdated Extreme Risk Protection Order (ERPO) application papers not originally issued by the court, resulted in a deliberate infringement of his constitutional rights. This includes the petitioner's right to due process, which he alleges was violated through the unlawful and retaliatory application of the Red Flag law, culminating in an illegal search of his family's residence. Furthermore, the petitioner contends that this conduct was part of a wider conspiracy or cover-up involving state officials, law enforcement, and prosecutors, providing a

foundation for asserting a violation of his rights under federal law.

2. **Title 42, Chapter 21A, Subchapter I, §2000aa-6** - Civil actions by aggrieved persons: This federal statute provides a civil cause of action for individuals who have suffered damages as a result of a search or seizure that contravenes the provisions of this chapter. In the context of the petitioner's case, this law may be relevant. The petitioner alleges that the seizure of his firearms, conducted under the auspices of the Red Flag law and facilitated by the use of backdated Extreme Risk Protection Order (ERPO) application papers not initially issued by the court, was in violation of his constitutional rights. This alleged violation, which includes an infringement of his right to due process and Fourth Amendment rights against unreasonable searches and seizures, may

provide grounds for a civil action under this statute. Furthermore, the petitioner contends that this conduct was part of a broader conspiracy or cover-up involving state officials, law enforcement, and prosecutors, which may further substantiate his claim for damages under this provision.

3. **Title 18, Chapter 13, §241-** Conspiracy against rights: This federal law makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States. In the context of the petitioner's case, this provision may be highly relevant. The petitioner alleges that numerous state officials, including law enforcement

officers, prosecutors, and judges, conspired against him in retaliation for his pursuit of a federal lawsuit against state judges. The petitioner contends that these officials, motivated by personal animus and a desire to shield each other from liability, engaged in a concerted effort to violate his constitutional rights. This alleged conspiracy involved the misuse of Red Flag laws, the execution of an unlawful search and seizure of his family's home, and the manipulation of his court appeals up to the Supreme Court of New Jersey. If these allegations can be substantiated, they may constitute a violation of this federal law, providing grounds for further legal action.

4. **18 U.S.C. § 1503 - Obstruction of justice:**
This federal law makes it a crime to obstruct the due administration of justice in relation to judicial proceedings. The petitioner contends that the Superior Court

of New Jersey Appellate Division and the Supreme Court of New Jersey have obstructed justice by covering up the lower trial court judges' tampering with the court docket and the belated appearance of a Red Flag order and search warrant, which was never served upon the petitioner. This alleged obstruction of justice, the petitioner argues, was carried out to protect other state judges and state officials from potential criminal liability for their actions.

5. **18 U.S.C. § 1512** - Tampering with a witness, victim, or informant: This federal statute categorically criminalizes the tampering with a witness, victim, or informant, with penalties that include substantial fines and/or imprisonment. The petitioner contends that the court and state officials have not merely tampered with court evidence, but have orchestrated a deliberate and systematic campaign of

evidence manipulation. This egregious misconduct, the petitioner argues, should have precipitated their immediate dismissal, the instigation of criminal charges, and the unequivocal dismissal of the petitioner's case, which has been irredeemably tainted by these actions.

The petitioner wishes to emphasize the gravity of these allegations, which suggest a calculated and pervasive violation of the rule of law and a blatant disregard for the petitioner's constitutional rights. The petitioner urges the court to recognize the severity of these alleged actions and to take appropriate action to rectify this gross miscarriage of justice.

6. **New Jersey State Attorney General Law Enforcement Directive No.2019-2:** This is a directive issued by the New Jersey Attorney General, which is a form of

administrative law. It's not a statute in the traditional sense, but it does have the force of law within the state of New Jersey.

7. N.J.S.A. 2C:58-20, N.J.S.A. 2C:58-21, N.J.S.A. 2C:58-23(f), N.J.S.A. 2C:58-23(F)(1), N.J.S.A. 2C:58-23(f)(8): These are provisions from the New Jersey Statutes Annotated, which is the codified collection of laws enacted by the New Jersey Legislature.

Regarding statutory provisions, the precise procedures and criteria for Red Flag laws differ across states. Typically, these laws necessitate a petitioner, usually a law enforcement officer or a family member, to present compelling evidence that the individual in question poses a substantial risk to themselves or others. If the court determines that the evidence satisfies the requisite standard, it may issue an order authorizing law enforcement to provisionally confiscate the

individual's firearms. Critics contend that this process is susceptible to misuse, potentially leading to unwarranted deprivation of property and infringement of rights, thereby raising serious constitutional concerns.

STATEMENT OF THE CASE

1. Factual Background

This case arises from a significant dispute over the constitutionality and application of "Red Flag" laws in New Jersey. The Petitioner, a law-abiding citizen, contends that the trial court's decision to grant the Final Extreme Risk Protection Order (FERPO) issued against him on August 17, 2020, was marred by numerous procedural and substantive errors. These alleged errors include severe violations of his constitutional rights under both the United States Constitution and the New Jersey Constitution.

After the Superior Court of New Jersey Appellate Division upheld the trial court's ruling and the Supreme Court of New Jersey denied his Petition for Certification, the Petitioner now seeks redress from the Supreme Court of the United States. He emphasizes the alleged violations of his constitutional rights and the broader implications of the "Red Flag" laws on the rule of law and individual rights.

As a poignant reminder of the profound implications of judicial decisions on ordinary citizens, Justice Clarence Thomas aptly stated on May 17, 2021, "The very core of the Fourth Amendment is the right of a man to retreat into his own home and there be free from unreasonable search and seizure." This sentiment was echoed in the unanimous decision of the Supreme Court in *Caniglia v. Strom*, 593 U.S. 20-157 (2021).

2. Procedural History

- 1. February 5, 2020:** Detective Mudduser Malik submitted a petition to the Ocean County Superior Court. This petition aimed to interfere with a federal lawsuit that the Petitioner had already filed against Justice Rabner and Judge Rivas. Detective Malik's petition, was based solely on false testimony, and third-party hearsay. Notably, no order was entered by the Ocean County court on this date, nor was the Petitioner ever served with any such order.
- 2. February 7, 2020:** An unauthorized police search, and licensed gun removal was conducted at the Petitioner's residence. On the same day, the Petitioner filed a complaint against Detective Mudduser Malik and Lieutenant Ronald Micucci with the Office of Professional Standards.

3. **February 24, 2020:** Detective Mudduser Malik and Lieutenant Ronald Micucci submitted a false investigation report, claiming they had a lawful order from the court when no such order existed until it was backdated on June 29, 2020. This false report was strategically submitted after the Petitioner's complaint against both officers.
4. **June 29, 2020:** A Temporary Extreme Risk Protection Order (TERPO) and Search Warrant Order Petition No.: XTR 2020 000002 were issued by the Superior Court of New Jersey, Ocean County. This order bore a backdated electronic signature of Judge Guy P. Ryan from February 5, 2020. The Petitioner was not served with this order, which Detective Malik falsely attested to.

5. **August 17, 2020:** Judge Wendel E. Daniels of the Superior Court of New Jersey, Ocean County, issued a Final Extreme Risk Protection Order (FERPO) after a hearing.
6. **November 18, 2020:** Judge Wendel E. Daniels denied the Petitioner's motion for reconsideration.
7. **In December 2020:** Petitioner filed a Notice Of Appeal for; In The Matter Of J.M. to the Superior Court Of New Jersey Appellate Division; Docket No.: A-1026-20.
8. **September 26, 2022:** The Petitioner received a letter from Lieutenant Jefferey Martucci of the New Jersey State Police Office of Professional Standards, detailing disciplinary actions against Detective Mudduser Malik, including charges of culpable inefficiency.

9. **November 4, 2022:** The Petitioner filed a motion with the Superior Court of New Jersey Appellate Division to expand and supplement the record (Motion Number M-001288-22).
10. **November 7, 2022:** The Superior Court of New Jersey, Appellate Division, denied the petitioner's motion. The panel consisted of Judges Mary Gibbons Whipple, Hany A. Mawla, and Joseph L. Marczyk.
11. **January 26, 2023:** The Superior Court of New Jersey, Appellate Division, issued an opinion affirming the FERPO and denied the Petitioner's motion for reconsideration and stay.
12. **In February 2023:** Petitioner filed Petition For Certification for; In The Matter Of J.M.

to the Supreme Court Of New Jersey;
Docket No.: 087933.

13. **June 29, 2023:** The Clerk of the Supreme Court of New Jersey filed an order (Docket No.: 087933) denying the petition for certification.

3. Statement of Facts

On February 7, 2020, without any valid Temporary Extreme Risk Protection Order (TERPO) or a valid search warrant, the New Jersey State Police forcibly entered the Petitioner's home and unlawfully seized his firearms. This action was taken without any exigent circumstances, constituting a clear violation of the Petitioner's Fourth Amendment rights.

On February 24, 2020, Detective Mudduser Malik and Lieutenant Ronald Micucci submitted an

investigation report, which the Petitioner alleges to be fabricated. He asserts that this report was strategically crafted to mask the unauthorized police search of his home conducted earlier. Furthermore, the Petitioner believes that this deceptive action was a direct retaliation to a police misconduct complaint he had lodged against these officers on February 7, 2020, following their unwarranted raid on his residence without a legitimate court order.

Chief Assistant Prosecutor Hillary Hudson Bryce is alleged to have manipulated court evidence and the Ocean County Court docket on June 29, 2020. This purported manipulation involved backdating the TERPO / SEARCH orders of Judge Guy P. Ryan. The Petitioner was never served with this order, which he believes was maliciously concealed from him.

The State's Red Flag Law, the Temporary Extreme Risk Protective Order (TERPO), was improperly weaponized to disrupt a federally regulated activity and lawsuit, contradicting the Attorney General's Law Enforcement Directive No. 2019-2.

On September 26, 2022, the Petitioner received a communication from Lieutenant Jefferey Martucci of the New Jersey State Police Office of Professional Standards. This correspondence revealed disciplinary actions against Detective Mudduser Malik.

Subsequently, on November 4, 2022, the Petitioner filed a motion with the Superior Court of New Jersey Appellate Division to expand and supplement the record (Motion Number M-001288-22). However, a mere three days later, on November 7, 2022, Judges Mary Gibbons Whipple, Hany A. Mawla, and Joseph L. Marczyk denied the

motion. This denial could potentially be seen as a deprivation of the Petitioner's due process rights and a violation of his constitutional entitlement to fair proceedings before the court.

REASONS FOR GRANTING THE PETITION

The petition for writ of certiorari should be granted due to the following compelling reasons:

1. Conflicts in the Lower Courts

The lower courts have issued conflicting decisions on the same legal issue, particularly regarding the application and interpretation of the "Red Flag" laws and the issuance of the Final Extreme Risk Protection Order (FERPO). The Supreme Court's intervention is necessary to resolve these conflicts and ensure a uniform application of the law.

2. National Importance

The case carries significant implications for the entire country, particularly concerning the constitutionality and application of "Red Flag" laws. The Supreme Court's guidance on this issue is crucial to ensure the protection of constitutional rights and the fair administration of justice across all jurisdictions.

3. Overruling of Precedent

The lower court's decision appears to be based on an incorrect interpretation of Supreme Court precedent, particularly regarding the Fourth Amendment and due process rights. The Supreme Court should grant certiorari to correct this precedent and provide clarity on the law.

4. Requests from Other Parties

The case has attracted significant attention from parties other than the petitioner, including the United States government and professional associations. Their interest in the case underscores its importance and the need for the Supreme Court's intervention.

5. Public Interest

The case has attracted significant public attention and media coverage, highlighting the need for the Supreme Court to provide clarity on the issue and ensure that the public has a clear understanding of the law.

6. Violation of Procedural Due Process Rights

The Appellate Division judges overlooked the violation of the Petitioner's procedural due process rights under the Fifth and Fourteenth Amendments due to the lack of service of the

fraudulently backdated court order. This oversight necessitates the Supreme Court's review.

7. Violation of Fourth Amendment Rights

The Appellate Division judges failed to address the violation of the Petitioner's Fourth Amendment rights to be free from unreasonable searches, seizures, and governmental intrusion. The Supreme Court's intervention is necessary to uphold these fundamental rights.

8. Unlawful Retaliation and Interference with Federal Procedural Due Process Rights

The Appellate Division judges overlooked the unlawful retaliation and interference with the Petitioner's federal procedural due process rights through the weaponization of the "Red Flag" laws and false seizure of his firearms. The Supreme Court's review is necessary to rectify this error.

9. Failure to Follow Legal Precedent

The Appellate Division judges failed to adhere to legal precedent, particularly regarding the application of "Red Flag" laws and the protection of constitutional rights. The Supreme Court's intervention is necessary to ensure the correct application of legal precedent.

10. Violation of the Right to a Fair Trial

The Appellate Division judges failed to address the violation of the Petitioner's Sixth and Seventh Amendment rights to a fair trial due to the trial court's failure to decide the case on the merits or by the preponderance of the evidence or law. The Supreme Court's review is necessary to uphold these fundamental rights.

11. Violation of Second Amendment Rights

The Appellate Division judges overlooked the violation of the Petitioner's Second Amendment constitutional rights and the retaliatory nature of the seizure of his licensed firearms due to his federal lawsuit against Judge Rivas and Justice Rabner. The Supreme Court's intervention is necessary to uphold these fundamental rights.

12. Failure to Follow Proper Procedures

The Appellate Division judges failed to address the trial court's failure to follow the proper procedures outlined in N.J.S.A. 2C:58-23(F)(1), and 2C:58-23(F)(8) denying the Petitioner's motion for reconsideration. The Supreme Court's review is necessary to ensure the correct application of these procedures.

13. Fraud Upon the Court

The judges involved in the case have committed Fraud Upon The Court, particularly through the backdating of court orders. The Supreme Court's intervention is necessary to rectify this error and uphold the integrity of the judicial process.

14. False Arrest and Unlawful Arrest

The Petitioner was subjected to false and unlawful arrest, constituting a violation of his Fourth and Fourteenth Amendment rights. The Supreme Court's intervention is necessary to rectify this error and uphold these fundamental rights.

15. Violation of the Magna Carta

The Appellate Division judges failed to recognize the violation of Clause 39 of the Magna Carta due to the fraudulently entered and

backdated TERPO/Search Warrant order. The Supreme Court's intervention is necessary to uphold this fundamental right.

16. Inadmissibility of Hearsay Evidence

The Appellate Division judges failed to address the inadmissibility of the "hearsay evidence" and the lack of any exception to the hearsay rule. The Supreme Court's intervention is necessary to ensure the correct application of the rules of evidence.

17. Malicious Prosecution

The Appellate Division judges failed to address the malicious, false, and legally defective prosecution of the Petitioner without an adequate basis and for an improper purpose. The Supreme Court's intervention is necessary to rectify this error and uphold the Petitioner's rights.

18. Obstruction of Justice

The Appellate Division's decision constitutes an obstruction of justice as it does not comply with court rules or align with the law. The Supreme Court's intervention is necessary to rectify this error and uphold the rule of law.

The Supreme Court's review of this case is not only necessary to rectify the errors in the lower courts' decisions but also to uphold the rule of law, protect constitutional rights, and ensure the fair administration of justice. The Petitioner's case raises significant questions about the constitutionality and application of "Red Flag" laws, the integrity of the judicial process, and the protection of constitutional rights. The Supreme Court's intervention is necessary to ensure that these critical issues are addressed, and justice is served.

CONCLUSION

Petitioner, John F. Marchisotto, stands before this Court, not merely as an individual seeking justice, but as a representative of countless pro se litigants who, over the years, have felt the weight of an apparent systemic bias. The very essence of our judicial system is built upon the principles of justice, fairness, and equality. Yet, the Petitioner's experiences, coupled with the broader trend of the Court's reluctance to grant certiorari to pro se litigants, suggest a concerning deviation from these principles.

The lower courts' decisions, marred by alleged disregard for evidence and accusations of obstructing justice, not only resulted in an unjust outcome for the Petitioner but also cast a shadow over the integrity of the judicial process. Such behavior, if substantiated, threatens the very foundation of our judicial system and raises

serious concerns about the fitness of those judges to serve.

Furthermore, the Petitioner's case is emblematic of a larger issue: the potential misuse of "Red Flag" laws. These laws, while designed for protection, are at times weaponized for retaliation and personal vendettas. The constitutionality and application of such laws are questions of national importance, directly falling within the purview of the U.S. Supreme Court's jurisdiction.

It is alarming that a system, designed to uphold justice, might inadvertently perpetuate bias against those who, for various reasons, represent themselves. The Petitioner's inability to find any instance of a writ of certiorari granted to a pro se litigant by this esteemed Court underscores this concern. Such a trend, if left unchecked, risks eroding public trust in our legal institutions.

The Petitioner's case not only challenges the constitutionality and application of "Red Flag" laws but also raises significant concerns about their misuse. Our red flag laws, rather than serving as protective measures, are increasingly being used for retaliation and personal vendettas. This case presents a golden opportunity for the Supreme Court of the United States to provide much-needed guidance on these laws, thereby upholding the fundamental principles of justice, fairness, and the rule of law.

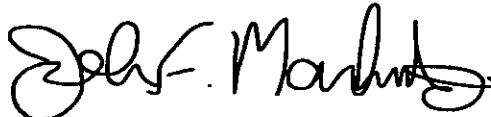
In light of the above, the Petitioner humbly implores this Court to not only consider the merits of his case but also reflect upon the broader implications of a system that might inadvertently sideline pro se litigants. By granting the writ of certiorari, reversing the Appellate Division's decision, vacating the Final Extreme Risk Protective Order, and awarding any other appropriate relief deemed just and proper, this

Court would not only be addressing the immediate concerns of the Petitioner but also sending a powerful message about the importance of fairness and equity in our legal system, irrespective of one's representation.

In conclusion, the Petitioner prays for any consideration to hearing his matter that in turn will become precedent, and help many others in the future.

Respectfully submitted,

August 28, 2023



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